

MORONES SURVEY OF COMMERCIAL LITIGATION FEES

Portland, Oregon

2020 Update

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2020 Summary Report

		2020	2018	2016	2014	2012	12-20 CAGR
Number of participating firms		21	19	21	19	18	na
Number of reported litigation partners/shareholders		189	185	189	179	176	na
Number of reported litigation attorneys		318	305	312	297	306	na
30+ yrs experience [Bar year <=1990 for 2020] ^a	AVE	\$623	\$559	\$517	\$485	\$448	4.2%
	MED	\$620	\$565	\$525	\$480	\$450	4.1%
20-29 yrs experience [Bar years 1991-2000 for 2020] ^a	AVE	\$499	\$474	\$437	\$433	\$412	2.4%
	MED	\$478	\$468	\$445	\$428	\$400	2.2%
10-19 yrs experience [Bar years 2001-2010 for 2020] ^a	AVE	\$451	\$411	\$371	\$371	\$346	3.4%
	MED	\$440	\$400	\$355	\$350	\$350	2.9%
0-9 yrs experience [Bar years >=2011 for 2020] ^a	AVE	\$344	\$318	\$300	\$283	\$269	3.1%
	MED	\$350	\$320	\$300	\$283	\$250	4.3%
15 attorneys with highest hourly rates	AVE	\$792	\$715	\$655	\$621	\$569	4.2%
	MED	\$780	\$700	\$650	\$615	\$550	4.5%
Percent of commercial litigation revenues derived from hourly billings (versus contingent or flat fee)	AVE	91%	86%	92%	93%	95%	na
	MED	93%	93%	95%	96%	99%	na

Note

a. In order to reduce the impact of any potential outliers, two data points from each year of experience category (one instance of the highest and lowest rates reported) have been removed from calculated average survey results.

Fees effective January 1 of 2020, 2018, 2016, 2014 and 2012

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2020 Update Survey Methodology

In March of 2002, Daniel H. Skeritt and David B. Markowitz commissioned Serena Morones, CPA, ASA, ABV to conduct a survey of commercial litigation attorney fee rates in Portland, Oregon.

They commissioned the survey for the purpose of developing accurate market data to support their frequent expert testimony in attorney fee disputes. They previously suffered from a lack of complete, empirical market data to use in fee disputes.

They defined their relevant market as each law firm located in the metro Portland area with more than five attorneys specializing in commercial litigation. They defined “specializing” as spending more than 50% of their time in the practice of commercial litigation.

To conduct the survey, Ms. Morones’ research team identified the designated market by reviewing the Oregon State Bar membership directory and conducting internet searches to identify all firms located in the Portland Metro area. Each Portland area firm’s web site was reviewed to determine if the firm advertised the practice of commercial litigation. If the firm advertised commercial litigation, the number of attorney biographies that described commercial litigation as a practice area of the attorney were counted. If the firm advertised at least five attorneys listing commercial litigation as a practice area, they were invited to respond to the survey.

For the 2020 survey update, Ms. Morones’ research team identified 29 firms that met the specified criteria and 21 of those firms participated in the survey, reporting data for 318 litigation attorneys.

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2020 Publication Policy

Serena Morones, CPA, ASA, ABV has conducted a survey of Portland commercial litigation fees, as of January 1, 2020, and will keep all individual survey responses confidential. Individual attorney rates will not be disclosed to any other person. Neither David Markowitz nor Daniel Skerritt, the attorneys commissioning the survey, will have access to the confidential responses.

The individual responses have been entered into a database and a summary report has been distributed to survey participants. There is no charge to survey participants for the summary report. The summary report will disclose average and median fees by years of experience. In order to comply with FTC guidelines for price surveys, the survey will report all statistics in averages with no fewer than 5 data points.

In addition to publishing a summary report, Serena Morones will make statistical data available for use in fee dispute claims. Any firm engaged in a fee dispute claim may submit the names of at least five attorneys who are deemed comparable to an attorney whose fee is disputed. Ms. Morones will produce a report showing the average and median fee for all five comparable attorneys, not disclosing any individual rate. Alternatively, any expert may request the average and median rate of attorneys in the database by comparable bar year. Any firm wishing to obtain this data must provide the name of the related case to Serena Morones. The cost to obtain comparable data will be billed at an hourly rate for the time required to generate reports, with a minimum charge of \$500.

This survey publication policy has been designed to protect the confidentiality of survey participants, but also to provide sufficiently detailed market data for use in resolving fee disputes.